



A better path to container scanning

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Analyst: The congressionally mandated 100 percent container screening is unworkable; it arouses opposition from U.S. trading partners and industry; a better solution would be the adoption of in-container sensing systems

Should 100 percent of freight containers arriving at U.S. ports be scanned? Dr. Jim Giermanski is director of the Center for Global Commerce at North Carolina's [Belmont Abbey College](#) and chairman of Belmont, North Carolina-based [Powers International](#), an international transportation security company, [writes](#) that to answer this question we need first to understand the purpose of 100 percent scanning.

The common sense answer to the question of whether we should scan all containers is that we should, because we want to find out whether there are any weapons of mass destruction (WMD) contained in an inbound container set to detonate in the United States. The other reasoning is that Congress legislated it and the president signed the legislation. The requirements to scan containers were contained in the SAFE Port Act signed into law in October 2006, and the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Commission Act of 2007), signed into law in August 2007.

There are at least four problems with the 100 percent scanning proposition, though.

* Problem one: The United States cannot or should not mandate another nation to provide the means for or perform the scanning of containers in their ports inbound to the United States. There is a clear question of sovereignty and a foreign nation's right to decide what steps to take within its sovereign territory. The burden of protecting the United States should not fall on U.S. trading partners.

* Problem Two: Both the Safe Port Act and the 9/11 Commission Act of 2007 contain a fatal flaw, the use of the word, "at." The SAFE Port Act contains 20 references to scanning containers but only two need to be used to demonstrate where the scanning is to take place. Why is the use of "at" so bad? Giermanski writes that "For all of us outside of Congress who know something about international transportation and global supply chain security, the port is the worst and last place to find out about WMD, if one really finds out about it." We need to find out about it long before it gets to our trading partners' ports because they cannot risk an explosion in one of their major seaports anymore than we in our seaports.

* Problem Three: The portal scanning machines used to detect shielded radiation do not exist, and Congress knew that they did not exist when the legislation was

drafted. At the present time U.S. ports utilize PVT portal machines that are very good at detecting radiation from materials such as ceramic tile but not highly enriched uranium or shielded uranium. Therefore, Congress is expecting that new portal machines will be developed and commercialized to detect dangerous radiation. These new machines, called Advanced Spectroscopic Portals (ASP), have not been yet developed. The GAO in April 2007 stated clearly that the Domestic Nuclear Detection Office (DNDO) established and responsible for ASP development has not even collected all the testing data on its basic PVT portal detectors and is not close to any developed ASP portal detector. Experts do not expect a commercial version of the ASP anytime soon, if ever. Congress knew the technology did not exist. We do not have the machines now, and we will likely have them in five years. Therefore, Congress allowed for an extension until such time that these radiation portal detection machines become available. Giermanski recommends that scanning for shielded radiation be done now without new portal-machine technology by using in-container technology and systems. With the use of in-container systems that can detect and report WMD, one can learn the container's risk factor long before it gets to any seaport.

* Problem Four: Both laws have failed to designate land ports-of-entry as critical infrastructure. Neither these nor any other U.S. laws designate land ports as critical. Therefore, no funding is available under the critical infrastructure umbrella and they are not included in the concept of ports outlined in the SAFE Port Act and the 9/11 Commission Act of 2007. Congress has also failed to consider the criticality of land ports and the risks and vulnerabilities these ports host.

"Actually, the fix is simple," writes Giermanski. "With respect to the use of 'at' seaports, Congress merely has to amend the Acts to allow for the alternative use of in-container systems of detection and reporting. With respect to land ports-of-entry as critical infrastructure, the fix is just as clear: Amend the Acts to include land ports! These amendments seem not only legislatively simple and doable, but also seem smart." These amendments would be favored not only by U.S. trading partners, and worldwide Customs authorities, but also by industry itself that has more to gain than lose by adopting existing in-container systems. In addition to collected WMD intelligence, in-container systems that begin at origin and end at destination provide not only greater security with respect to unauthorized container access, but they can be used by the private sector and government alike to improve risk assessments, provide electronic evidence for transshipment verifications, better logistics control, knowledge of product locations within the global supply chain, and ultimately for industry, a verifiable financial savings brought about by CBP special treatment (Green Lanes) that accelerate container movement through traditionally cluttered seaports and land ports. "Finally, they are smart alternatives that serve the goals of Congress to help keep us safe. The current scanning requirement fails to do so," Giermanski concludes.